

IN THE CIRCUIT COURT OF JACKSON COUNTY, WEST VIRGINIA

FARM FAMILY CASUALTY
INSURANCE COMPANY, as Subrogee for
Richard Baldwin and Rhonda Baldwin,

Plaintiff,

v.

SIEMENS CORPORATION,

Defendant.

Civil Action No. 10 C 9
Judge Thomas C. Evans

COMPLAINT

Now comes Farm Family Casualty Insurance Company, as Subrogee for Richard Baldwin and Rhonda Baldwin, husband and wife, by counsel, Dwayne E. Cyrus, Heather B. Osborn, and Shuman, McCuskey & Slicer, PLLC, and for its Complaint against Siemens Corporation, respectfully represents unto the Court as follows:

1. This is an action for money damages brought pursuant to the Uniform Commercial Code, other applicable consumer protection statutes and common law theories of liability arising out of a fire loss on January 23, 2008.
2. Plaintiff, Farm Family Casualty Insurance Company (hereinafter "Farm Family") is an insurance company licensed to do business in the State of West Virginia, which is incorporated in the State of New York. Farm Family writes multiple lines of insurance coverage in the state of West Virginia, and in such capacity insured subrogors, Richard Baldwin and Rhonda Baldwin, under homeowners policy number 4718G1390, which was active and applicable at all relevant times.
3. Jurisdiction and venue are proper with this Court as the loss that gives rise to this action occurred in West Virginia and the defendant has performed activities sufficient to establish minimum contacts in the State of West Virginia.

4. Siemens Corporation (hereinafter "Siemens") is incorporated in the State of Delaware, with its principle place of business in the State of New York. At all times relevant hereto, Siemens was licensed to do business in the State of West Virginia.

5. In 2002, Richard and Rhonda Baldwin purchased from Fleetwood Homes a new Fleetwood manufactured home for their residential use. The manufactured home was subsequently installed at RR1, Box 251, Given, West Virginia.

6. During the manufacture of the subject home, it was equipped with an electric service distribution panel manufactured by Siemens, identified as Siemens model number BMW2040MB1200F.

7. On January 23, 2008, an accidental fire occurred at the home of Richard and Rhonda Baldwin, destroying the subject manufactured home, along with all contents therein. Said fire occurred through no fault on the part of Richard and Rhonda Baldwin.

8. As a result of this fire, Richard and Rhonda Baldwin suffered a complete loss of their dwelling and of the contents therein. Fortunately, the Baldwins had an active homeowners policy with Farm Family which paid to them amounts as follows:

Value of Manufactured Home	\$70,000.00
Loss to personal property and contents	\$35,000.00
Costs for debris removal	\$3,500.00
Alternative Living Expenses (ALE)	\$5,000.00

9. Farm Family is instilled with certain rights of subrogation through contractual and equitable principles. As such, based upon payments made to the Baldwins, Farm Family stands in the shoes of the Baldwins and is given assignment of any cause of action relevant to this loss.

10. The subject fire and damages suffered were caused by the failure of the Siemens electric distribution panel and/or the failure of a circuit breaker within the Siemens panel.

11. The subject fire and damages suffered were caused by the negligent and otherwise improper construction, manufacture and design of the Siemens electric distribution panel.


12. Due to the negligent and otherwise improper construction, manufacture and design of the Siemens electric distribution panel, Farm Family is entitled to judgment against Siemens for the amounts set forth herein under theories of liability, including the following:

- a. Violation of the Uniform Commercial Code, including breach of implied warranty and breach of implied warranties of fitness;
- b. Violation of other applicable consumer protection laws;
- c. Liability for defective construction, manufacture and design of the relevant product;
- d. The doctrine of strict liability; and
- e. Common law negligence.

WHEREFORE, plaintiff, Farm Family Casualty Insurance Company, demands judgment from Siemens Corporation consistent with the damages asserted herein. Plaintiff further requests that the Court grant any and all other relief deemed appropriate by the Court.

Plaintiff demands a trial by jury on all issues so triable.

FARM FAMILY CASUALTY INSURANCE
COMPANY
By counsel


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